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LAW OF THE SEA

Australia, Brazil, Canada, Cape Verde, Chile, Denmark, Fiji, Guyana, Iceland, Indonesia, Malta, Mauritania, Mexico, New Zealand, Philippines, Portugal, Senegal, Sierra Leone, Trinidad and Tobago and Ukraine: draft resolution

The General Assembly,

Recalling its previous resolutions, including resolution 47/65 of 11 December 1992, on the law of the sea,

Recognizing, that as stated in the third preambular paragraph of the United Nations Convention on the Law of the Sea, 1/ the problems of ocean space are closely interrelated and need to be considered as a whole,

Convinced that it is important to safeguard the unified character of the Convention and related resolutions adopted therewith and to apply them in a manner consistent with that character and with their object and purpose,

Emphasizing the need for States to ensure consistent application of the Convention, as well as the need for harmonization of national legislation with the provisions of the Convention,

Considering, that in its resolution 2749 (XXV) of 17 December 1970, it proclaimed that the seabed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as "the Area"), as well as the resources of the Area, are the common heritage of mankind,

Recalling that the Convention provides the regime to be applied to the Area and its resources,

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1/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

Recalling with satisfaction the expressions of willingness to explore all possibilities of addressing issues of concern to some States in order to secure universal participation in the Convention, 2/

Taking note that the sixtieth instrument of ratification of, or accession to, the Convention was deposited on 16 November 1993 and that, as a consequence, the Convention shall enter into force 12 months after the date of deposit of said instrument,

Recognizing the need for cooperation in the early and effective implementation by the Preparatory Commission of resolution II of the Third United Nations Conference on the Law of the Sea, 3/

Noting with satisfaction the progress made in the Preparatory Commission since its inception, including the registration of six pioneer investors 4/ and the designation by the Preparatory Commission of reserved areas for the International Seabed Authority from the application areas submitted by the pioneer investors pursuant to resolution II, bearing in mind that such registration entails both rights and obligations for pioneer investors,

Noting the increasing needs of countries, especially developing countries, for information, advice and assistance in the implementation of the Convention and in their developmental process for the full realization of the benefits of the comprehensive legal regime established by the Convention,

Concerned that the developing countries are as yet unable to take effective measures for the full realization of these benefits owing to the lack of resources and of the necessary scientific and technological capabilities,

Recognizing the need to enhance and supplement the efforts of States and competent international organizations aimed at enabling developing countries to acquire such capabilities,

Recognizing also that the Convention encompasses all uses and resources of the sea and that all related activities within the United Nations system need to be implemented in a manner consistent with it,

Deeply concerned at the current state of the marine environment,

Mindful of the importance of the Convention for the protection of the marine environment,

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2/ See A/44/650 and Corr.1, paras. 156 and 158.

3/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/121, annex I.

4/ See A/46/724, paras. 146-151.

Noting with concern the use of fishing methods and practices, including those aimed at evading regulations and controls, which can have an adverse impact on the conservation and management of living marine resources,

Considering the need for effective and balanced conservation and management of living marine resources, giving full effect to the relevant provisions in the Convention,

Taking note of activities carried out in 1993 under programme 10 (Law of the sea and ocean affairs) in the medium-term plan for the period 1992-1997, as revised, 5/ taking into account the restructuring of the Secretariat of the Organization, 6/ and of the report of the Secretary-General, prepared pursuant to paragraph 21 of General Assembly resolution 47/65, 7/

1. Recalls the historic significance of the United Nations Convention on the Law of the Sea, as an important contribution to the maintenance of peace, justice and progress for all peoples of the world;

2. Expresses its satisfaction at the increasing and overwhelming support for the Convention, as evidenced, inter alia, by the one hundred and fifty-nine signatures and sixty ratifications or accessions, and takes note that, as a consequence, the Convention will enter into force on 16 November 1994;

3. Invites all States to make renewed efforts to facilitate universal participation in the Convention;

4. Notes with appreciation the new developments and the active participation of States in the consultations under the auspices of the Secretary-General aimed at promoting dialogue and at addressing issues of concern to some States in order to achieve universal participation in the Convention; 8/

5. Invites all States to participate in the consultations held under the auspices of the Secretary-General and to increase efforts to achieve universal participation in the Convention as early as possible;

6. Recognizes that political and economic changes, including particularly a growing reliance on market principles, underscore the need to re-evaluate, in the light of the issues of concern to some States, 9/ matters in the regime to

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5/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 6 (A/47/6/Rev.1), vol. I.

6/ See A/46/882.

7/ A/48/527.

8/ See A/48/527, paras. 8-15.

9/ Ibid., para. 9.

be applied to the Area and its resources, and that a productive dialogue on such issues involving all interested parties would facilitate the prospect of universal participation in the Convention, for the benefit of mankind as a whole;

7. Calls upon all States that have not done so to consider ratifying or acceding to the Convention at the earliest possible date and calls upon all States to take appropriate steps to promote universal participation in the Convention, including through dialogue aimed at addressing the issues of concern to some States;

8. Calls upon all States to safeguard the unified character of the Convention and related resolutions adopted therewith and to apply them in a manner consistent with that character and with their object and purpose;

9. Also calls upon States to observe the provisions of the Convention when enacting their national legislation;

10. Notes the progress made by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea in all areas of its work, including the completion of its draft provisional final report at its eleventh session;

11. Recalls the Understanding on the Fulfilment of Obligations by the Registered Pioneer Investors and their Certifying States adopted by the Preparatory Commission on 30 August 1990, 10/ as well as the understandings adopted on 12 March 1992, 11/ and 18 August 1992; 12/

12. Expresses its appreciation to the Secretary-General for his efforts in support of the Convention and for the effective execution of programme 10 (Law of the sea and ocean affairs) in the medium-term plan for the period 1992-1997, and requests him, in the execution of programme 10, to continue to provide an effective response to the increased needs of States for assistance in the implementation of the Convention;

13. Also expresses its appreciation to the Secretary-General for the report prepared pursuant to paragraph 21 of General Assembly resolution 47/65 13/ and requests him to carry out the activities outlined therein, as well as those aimed at the strengthening of the legal regime of the sea;

14. Calls upon the Secretary-General to continue to assist States in the implementation of the Convention and in the development of a consistent and

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10/ LOS/PCN/L.87, annex.

11/ LOS/PCN/L.102, annex.

12/ LOS/PCN/L.108, annex.

13/ A/48/527.

uniform approach to the legal regime thereunder, as well as in their national, subregional and regional efforts towards the full realization of the benefits therefrom, and invites the organs and organizations of the United Nations system to cooperate and enhance assistance in these endeavours;

15. Urges interested Member States, in particular States with advanced marine capabilities, to review relevant policies and programmes in the context of the integration of the marine sector in national development strategies, and to explore prospects for intensifying cooperation with developing countries, including those of regions active in this field;

16. Requests the competent international organizations, the United Nations Development Programme, the World Bank and other multilateral funding agencies, in accordance with their respective policies, to intensify financial, technological, organizational and managerial assistance to the developing countries in their efforts to realize the benefits of the comprehensive legal regime established by the Convention and to strengthen cooperation among themselves and with donor States in the provision of such assistance;

17. Also requests the Secretary-General to keep under review, in cooperation with States and the competent international organizations, the measures being undertaken and any necessary follow-up action, in order to facilitate the realization by States of the benefits of the comprehensive legal regime established by the Convention and to report thereon periodically to the General Assembly;

18. Recognizes that the protection of the marine environment will be significantly enhanced by the implementation of applicable provisions of the Convention;

19. Reiterates its call to States and other members of the international community to strengthen their cooperation and to take measures with a view to giving full effect to the provisions in the Convention on the conservation and management of living marine resources, including the prevention of fishing methods and practices which can have an adverse impact on the conservation and management of living marine resources and, in particular, to comply with bilateral and regional measures applicable to them aimed at effective monitoring and enforcement;

20. Requests the Secretary-General to continue and to accelerate the consultations in order to achieve universal participation in the Convention as early as possible, and to provide the necessary services for these consultations, the next meeting of which will take place from 31 January to 4 February 1994;

21. Requests the Secretary-General to provide for the convening of the twelfth regular session of the Preparatory Commission at Kingston from 7 to 11 February 1994, during which arrangements will be made for meetings of the Training Panel and, if necessary, provide for a further meeting of up to two weeks during the summer in New York;

22. Takes note of the decision of the Preparatory Commission 14/ to convene a meeting of the Group of Technical Experts to review the state of deep seabed mining and to make an assessment of the time when commercial production may be expected to commence;

23. Also takes note of the need to make arrangements for the first session of the Assembly of the International Seabed Authority and a meeting of States Parties to the Convention, if required, including arrangements for the participation of observers;

24. Requests the Secretary-General to report to the General Assembly at its forty-ninth session, and earlier if appropriate, on developments pertaining to the Convention and all related activities and on the implementation of the present resolution;

25. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Law of the sea".

14/ LOS/PCN/L.87, annex, para. 12.